

REMARKS

This application has been carefully reviewed in light of the final Office Action dated April 20, 2010 and the Advisory Action dated July 23, 2010. Claims 1 to 8 and 10 are in the application, of which Claims 1, 8 and 10 are independent. Reconsideration and further examination are respectfully requested.

The Advisory Action indicated that amendments to the drawings and specification were acceptable.

On the other hand, the Advisory Action denied entry to amendments proposed for the claims. Accordingly, the claims are amended herein relative to their unamended language, i.e., relative to the language found in the Amendment dated January 28, 2010.

In the final rejection dated April 20, 2010, Claims 1, 2 and 4 to 10 were rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,570,205 (Sugita) in view of Japanese Patent Application Publication 07-283894 (Kawasaki). Claim 3 was rejected under 35 U.S.C. § 103(a) over Sugita in view of Kawasaki, and further in view of U.S. Patent 3,688,032 (Dixon). Reconsideration and withdrawal of the rejections are respectfully requested for the following reasons.

The claims as amended herein concern an image communication apparatus, such as a facsimile machine. A medium conveying mechanism of the image communication apparatus is used in common to convey an original sheet to be read and for conveying a recording sheet on which first image data is recorded.

According to one aspect, the medium conveying mechanism includes an openable medium conveying path. The medium conveying mechanism is controlled to

automatically switch from conveying the original sheet to conveying the recording sheet by opening the medium conveying path for the recording sheet.

By opening the medium conveying path for the recording sheet, it is ordinarily possible to automatically switch from conveying the original sheet to conveying the recording sheet when using a common medium conveying mechanism.

For example, when reading is completed using the medium conveying mechanism shown in Figure 3, the medium conveying mechanism is controlled to automatically switch from conveying original sheet 12 to conveying a recording sheet by opening a medium conveying path for conveying the recording sheet. See specification, page 8, lines 8 to 15.

Naturally, the embodiments disclosed in the specification do not limit the scope of the claims, but rather serve to provide examples of arrangements within the scope of the claims.

Referring specifically to the claim language, independent Claim 8 is directed to a control method of an image communication apparatus. A medium conveying mechanism of the image communication apparatus is used in common to convey an original sheet read by a reading means and for conveying a recording sheet on which first image data is recorded by a recording means. The first image data is received and is accumulated in a memory, which in turn is read, and recorded by the recording means. On the other hand, the reading means reads the original sheet and obtains second image data, which is transmitted.

In a case where the reading of the original sheet and transmitting of the second image data is instructed while the first image data is received and accumulated, the

original sheet is read and the second image data is obtained while the first image data is received, and before the first image data is recorded on the recording sheet. The first image data is recorded on the recording sheet while the second image data is transmitted, and the medium conveying mechanism is controlled to automatically switch from conveying the original sheet to conveying the recording sheet after completion of the reading of the original sheet and completion of the reception of the first image data.

The medium conveying mechanism includes an openable medium conveying path, and is controlled to automatically switch from conveying the original sheet to conveying the recording sheet by opening the medium conveying path for the recording sheet.

Independent Claims 1 and 10 are directed to an image communication apparatus and computer-readable memory medium, respectively, that substantially correspond to the control method of Claim 8.

The applied art is not seen to disclose or suggest the features of independent Claims 1, 8 and 10, and in particular, the applied art is not seen to disclose or suggest at least the features of (i) a medium conveying mechanism which includes an openable medium conveying path, and (ii) control of the medium conveying mechanism which automatically switches from conveying an original sheet to conveying a recording sheet by opening the medium conveying path for the recording sheet.

Sugita is seen to disclose a facsimile apparatus having a carrier path used dually for an original sheet and a recording sheet. As shown in Figure 1 of Sugita, either an original sheet or a recording sheet is inserted into the carrier path in the direction of

arrow Q, and is exhausted in the direction of arrow W subsequent to a reading operation or a recording operation. See Sugita, column 2, lines 49 to 56.

Figure 2 of Sugita provides a detailed view of the structure of the carrier path. However, no part of the carrier path is seen to be openable. That is, the entire carrier path of Sugita is understood to remain in a fixed open position, regardless of whether a recording sheet or an original sheet is inserted into the carrier path.

Accordingly, Sugita is not seen to disclose or suggest (i) a medium conveying mechanism which includes an openable medium conveying path.

In addition, because Sugita does not show a medium conveying mechanism including an openable medium conveying path, it logically follows that Sugita could not disclose or suggest (ii) control of such a medium conveying mechanism which automatically switches from conveying an original sheet to conveying a recording sheet by opening such a medium conveying path for a recording sheet.

As understood by Applicant, Kawasaki discloses a facsimile machine including image reading part 5 and printer 6. See, Kawasaki, Drawing 1 and paragraph [0012]. Image reading part 5 scans a manuscript for facsimile transmission, whereas printer 6 prints drawing data from a received facsimile transmission.

However, as with the carrier path of Sugita, neither image reading part 5 nor printer 6 of Kawasaki is seen to disclose or suggest (i) a medium conveying mechanism which includes an openable medium conveying path, let alone, (ii) control of such a medium conveying mechanism which automatically switches from conveying an original sheet to conveying a recording sheet by opening the medium conveying path for the recording sheet.

Dixon has been reviewed, but is not seen to compensate for the above-noted deficiencies of Sugita and Kawasaki.

As a consequence, it is further respectfully submitted that a combination of Sugita, Kawasaki and Dixon, assuming that such a combination would even be permissible, would not share the advantageous effects of the image communication apparatus claimed herein. For example, such a combination would lack a medium conveying mechanism including an openable medium conveying path, and as a result, would lack the advantageous effect of being able to automatically switch a medium conveying mechanism from conveying an original sheet to conveying a recording sheet when using a common medium conveying mechanism.

In view of the foregoing amendments and remarks, independent Claims 1, 8 and 10 are believed to be allowable over the applied art.

The other claims in the application are each dependent from independent Claim 1 and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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FCHS_WS 5397767v1